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Chairman:	Mr. Butagira	(Uganda)
later:	Ms. Tomič (Vice-Chairman)	(Slovenia)
later:	Mr. Butagira (Chairman)	(Uganda)

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05-61557 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 69: Elimination of racism and racial discrimination (*continued*) (A/C.3/60/L.63/Rev.1 and A/60/307, Corr.1 and Corr.2)

Draft resolution A/C.3/60/L.63/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

1. **Ms. Bowen** (Jamaica), speaking on behalf of the Group of 77 and China, read out the following additional revisions to the revised draft resolution: the twelfth preambular paragraph should be deleted; in paragraph 3, the word "*also*" should be inserted after the word "*Expresses*"; in paragraph 13, the words "deadline for" should be replaced by the words "goal of"; in paragraph 14, the words "backlog caused by overdue reports submitted" should be replaced by the words "delays in the submission of overdue reports"; in the third line of paragraph 16, the word "convention" should be replaced by the words "existing international human rights instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination"; a new paragraph 17 should be inserted reading "*Recognizes* the contribution to be made to the above process by conducting an in-depth assessment and evaluation of the implementation of existing international human rights instruments by States parties"; in paragraph 31, the words "as requested by the General Assembly in its resolution 59/177" should be replaced by the words "and takes note of their appeal for convening a five-year review of implementation of the Durban Declaration and Programme of Action and in this context urges Member States and relevant stakeholders to give due consideration to this appeal with a view to its examination at the sixty-first session"; paragraph 32 should be deleted; in paragraph 39, the word "*invites*" should now appear after "in this context"; paragraph 42 should be deleted; in paragraph 43, the words "and other communities" should be inserted at the end of the paragraph; paragraph 48 should read "*Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees"; in paragraph 49, the words "very firmly" should be replaced by "strongly"; paragraph 50 should be deleted; and in paragraph 51, the word "*Also*" should be deleted.

2. **Mr. Khane** (Secretary of the Committee) said that the revised draft resolution, as orally revised by the main sponsor, would not entail any additional appropriation, as the activities called for in paragraph 46 were considered to be of a perennial nature. Provisions for such activities had already been included in the programme budget for the biennium 2004-2005 (Section 24, Human rights) and in the proposed programme budget for the biennium 2006-2007 (Section 23, Human rights). He also announced that the Russian Federation wished to join in sponsoring the revised draft.

3. **Mr. Montwedi** (South Africa), speaking on behalf of the Southern African Development Community (SADC), said that, as a region historically affected by the worst forms of racial discrimination, the SADC countries were determined to achieve the ideals of non-racialism, non-sexism, human dignity and equality in their regional and international efforts. In the struggle to achieve those ideals, they worked in close partnership with civil society and other relevant stakeholders. He strongly urged civil society organizations from outside the region to work in close partnership with all actors in the region to ensure that their criticism was factual. In that regard, the SADC countries were pleased that a corrigendum had been issued to correct the inconsistency in reporting reflected in paragraph 67 of the Secretary-General's report on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307). Lastly, the SADC countries hoped that the Committee would take a decision at the sixty-first session on the five-year review of implementation of the Durban Declaration and Programme of Action.

4. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that future resolutions should reflect the needs of indigenous people, as they were also victims of contemporary forms of racism, and the elimination of racial and violent movements based on racism and discriminatory ideas directed against

communities of people of African descent, Asian and Arab descent, as had been done in paragraph 42 of the draft resolution, which had been deleted.

5. **The Chairman** announced that a recorded vote had been requested.

6. **Ms. Shestack** (United States of America), speaking in explanation of vote before the voting, said that the United States was opposed to racism, racial discrimination, xenophobia and related intolerance, as demonstrated by its record of domestic legislation and policies to vigorously combat such activities and attitudes. It had also long been a party to the International Convention on the Elimination of All Forms of Racial Discrimination. However, the World Conference held in Durban in 2001 had been deeply flawed and divisive. The draft resolution endorsed the outcome of that Conference and was therefore itself irreparably flawed. For that reason, her delegation would vote against it.

7. **Ms. Eilon Shahar** (Israel), speaking in explanation of vote before the voting, said that Israel believed deeply in the fight against racism and intolerance. The Jewish people had a long history of confronting prejudice, a struggle which was grounded in the Jewish scripture and was the touchstone of Israel's democracy. However, some delegations and NGOs had used the Durban Conference to single out one country with slanderous and hateful accusations and Israel had therefore been compelled to withdraw from the Conference. Instead of promoting tolerance and respect, those actors had abused the Conference and denigrated its noble objectives. Her delegation would therefore vote against the draft resolution.

8. **Mr. Dixon** (United Kingdom), speaking in explanation of vote before the voting and on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Liechtenstein, the Republic of Moldova and Ukraine, said that the European Union had repeatedly stressed that international follow-up to the Durban Conference should be agreed by consensus. In that spirit, it had proposed a number of changes during consultations with a view to improving the text. While many of those changes had been incorporated, the European Union still had some concerns about the text.

9. On the issue of complementary standards, he recalled that paragraph 3 of the report entitled Views of the Committee on the Elimination of Racial Discrimination on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination and its effectiveness (E/CN.4/2004/WG.21/10) stated that it was States' failure to ratify or to implement the Convention, rather than gaps in the Convention itself, which the Committee had identified as the key issue in combating contemporary forms of racism. That conclusion was fully in line with the acknowledgement contained in the Durban Declaration that States must fully implement their existing obligations. The European Union believed that States' failure to implement their obligations should guide discussions about new complementary standards and called on all States to ratify and implement the Convention as a matter of priority.

10. The European Union also questioned the value of a five-year review plan. Follow-up to the Conference was already ensured by a number of mechanisms, in particular the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. Should additional follow-up be considered necessary, the Durban Conference should be part of the integrated follow-up to United Nations conferences. His delegation would nonetheless reflect further on the proposal.

11. In recognition of the efforts by all parties towards better cooperation on such a major issue — and despite its concerns — the European Union would vote in favour of the draft resolution.

12. *A recorded vote was taken on draft resolution A/C.3/60/L.63/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic,

Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, United States of America.

Abstaining:

Australia, Canada.

13. *Draft resolution A/C.3/60/L.63/Rev.1, as orally revised, was adopted by 172 votes to 3, with 2 abstentions.*

14. **Ms. Bowen** (Jamaica), speaking on behalf of the Group of 77 and China, said that the overwhelming support for the draft resolution was an important demonstration of international condemnation of racism, racial discrimination, xenophobia and related intolerance. It was deeply regrettable that, once again, a recorded vote had been requested. The substance of the Durban Declaration and Programme of Action was not under question. Her delegation hoped that those delegations that had not been able to vote in favour of the draft resolution would reflect further and consider reviewing their position.

15. **Ms. Baleseng** (Botswana) welcomed the consensus on the draft resolution and the corrigendum deleting paragraph 67 of the Secretary-General's report (A/60/307). In view of that development, her delegation was pleased to withdraw its amendment to the draft resolution. In that regard, she invited delegations to consult document A/C.3/60/12, which contained a comprehensive response by the Government of Botswana to the contents of paragraph 67.

16. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307, Corr.1 and Corr.2).

17. *It was so decided.*

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/60/L.44/Rev.1; A/C.3/60/L.57/ Rev.1 and A/C.3/60/L.73)

Draft resolution A/C.3/60/L.44/Rev.1: Human rights mainstreaming in the United Nations system

18. **The Chairman** said that the draft resolution had no programme budget implications.

19. **Mr. Verbeke** (Belgium), speaking on behalf of Belgium and the Netherlands as the main sponsors, drew attention to the draft resolution and to the amendments proposed by South Africa in document A/C.3/60/L.73. Recalling the draft resolution's three

main objectives, set out at the Committee's 39th meeting, he said that three weeks of negotiation had produced progress towards some of those objectives, but that consensus had been impossible to achieve because of a last-minute request for an amendment. With much regret, the delegations of Belgium and the Netherlands had decided to withdraw the draft resolution.

20. *Draft resolution A/C.3/60/L.44/Rev.1 was withdrawn.*

21. **Mr. Montwedi** (South Africa), thanking the delegations of Belgium and the Netherlands for their efforts to take account of his own delegation's concerns, as reflected in document A/C.3/60/L.73, and regretting that one delegation had not joined the consensus, said that the draft resolution had had the full support of the Government of South Africa.

Draft resolution A/C.3/60/L.57/Rev.1: Protection of migrants

22. **Mr. Khane** (Secretary of the Committee) said that the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, referred to in paragraph 30, was in the category of activities of a perennial nature, for which provision had been included in the programme budget for the biennium 2004-2005 and in the proposed programme budget for the biennium 2006-2007.

23. In order to reflect the provisions of paragraph 31, the narrative of the proposed programme budget for the biennium 2006-2007 (A/60/6), section 23, subprogramme 2, paragraph 23.54 (x) would be modified to read: "a. Substantive servicing of meetings: plenary meetings (50)".

24. For the biennium 2004-2005, the General Assembly had appropriated the amount of $64,571,300 under section 24 (Human rights). For the biennium 2006-2007, the Secretary-General had proposed a programme budget totalling $67,493,200 and revised estimates resulting from the 2005 World Summit totalling $24,223,799, or a total of $91,716,999 under section 23 (Human rights).

25. Paragraph 31 requested that two one-week sessions of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families should be held, within existing resources, at the United Nations Office in Geneva in spring and autumn 2006, replacing for that year only the three-week session included in the budget estimates prepared before the Committee had been established. The full cost of the activities envisaged under paragraph 31 was $1,205,100 in the biennium 2006-2007. The total cost of the three-week session in 2006 as currently approved by the General Assembly was $1,523,500. The cost of the additional travel of Committee members amounted to $11,000 and should be accommodated within overall resources included in the proposed programme budget for the biennium 2006-2007 under section 23 (Human rights).

26. Paragraphs 30 and 31 of the draft resolution would not, therefore, entail any additional appropriations.

27. **Mr. Gómez Robledo** (Mexico), speaking on behalf of the sponsors of the draft resolution, said that Armenia, Bangladesh, Belize, Cape Verde, Costa Rica, Morocco, Mauritius, Turkey and Timor-Leste had joined the group of sponsors.

28. A much improved text had been produced after a lengthy process of consultation and negotiation and input from numerous delegations.

29. Amendments to paragraph 20 were: the word "*Also*" should be deleted; the words "promote and adopt effective measures to enforce their immigration laws and border controls only by means of" should be replaced by the word "employ"; the words "to enforce their immigration laws and border controls," should be inserted after "trained government officials"; the words "take appropriate and effective measures to deter and" should be inserted before the word "prevent"; the words "carrying out conduct" should be replaced by the words "violating criminal and immigration laws relating to border enforcement and from wrongfully undertaking actions"; the words "for such" should be replaced by the word "to"; the words "as well as to prosecute and punish" should be replaced by the words "including by prosecuting"; and the final word "conduct" should be replaced by the word "actions".

30. Protecting the rights of migrants was important to the entire international community, given the universality of human rights, irrespective of the origin or status of the individual. He hoped the draft resolution would be adopted without a vote, in accordance with tradition.

31. **Mr. Khane** (Secretary of the Committee) said that the Central African Republic, Côte d'Ivoire, Niger, Saint Lucia, Saint Vincent and the Grenadines, and the Sudan had become additional sponsors of the resolution.

32. **Mr. Ceinos-Cox** (United States of America) said that migrants had made a major contribution to his country's development, and his delegation would join the consensus with pride. Individuals benefited from legal migration, but so did both sending and receiving States, which therefore both bore responsibility for ensuring the protection of human rights and encouraging use of legal channels for migration.

33. Securing his country's borders by enforcing its immigration laws through all lawful and appropriate approaches was important. The provisions concerning border control in paragraph 20 would not compromise enactment of national legislation, which was essential to sovereignty. His country would continue to apply national legislation and constitutional laws to regulate unlawful conduct by private individuals and groups.

34. It was disappointing that his Government's request to delete the seventh and eighth preambular paragraphs, which contributed nothing to the draft resolution, had not been accommodated. The conclusions of the International Court of Justice in the Avena Judgement differed substantially from the advisory opinion issued by the Inter-American Court of Human Rights, and it was inappropriate to refer to them. As regards paragraph 9, the obligations of States parties to the Vienna Convention on Consular Relations with regard to foreign nationals related to treaty rights, and not to human rights.

35. *Draft resolution A/C.3/60/L.57/Rev.1 was adopted without a vote.*

36. **Mr. Wood** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate country Croatia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, Liechtenstein, the Republic of Moldova and Ukraine explained the basis on which those countries had been able to join the consensus on the revised draft resolution.

37. The European Union was firmly committed to protecting the rights of migrants and supported efforts to enhance such protection, condemning manifestations and acts of intolerance against migrants and supporting the application of existing laws to eradicate impunity for xenophobic and racist acts. The best way to ensure sustainable integration of immigrant communities in a host society was to provide for a harmonious equilibrium between the rights and obligations granted to third-country nationals. The draft resolution contained useful new elements pertaining to international migration policies and programmes and potentially life-saving information campaigns.

38. **Ms. García Matos** (Bolivarian Republic of Venezuela) said that her Government's commitment to the protection of migrants was reflected in substantive changes in legislation and policy development, and her delegation supported the content of the draft resolution. However, it did not recognize the Outcome of the 2005 World Summit and interpreted the sixth preambular paragraph as referring merely to the general commitments which must guide the actions of Governments, since the debate in September had taken place between only some Heads of State and Government.

39. **Mr. Chia** Chng Tze (Singapore), commenting on paragraph 4, said that his Government fully acknowledged the positive contributions made by migrants and its own responsibilities for their welfare, and extended to all legal migrants the same protection as to its citizens. However, those who did not enter Singapore through legal channels were illegal immigrants, and were dealt with as such under national laws.

40. The immigration policies of each country necessarily depended on its particular circumstances. Singapore was a small, densely populated country which must maintain a careful balance among the needs and interests of its heterogeneous population. His Government considered that immigration policies were within the sovereign jurisdiction of each State, and that it was inappropriate for General Assembly resolutions to call for States to review their immigration policies.

41. His delegation had acquiesced in the adoption of the draft resolution by consensus, but reserved the right to reconsider its position in the future on it end any other resolution that might impinge on the rights of States to decide their own immigration policies.

42. *Ms. Tomič (Slovenia), Vice-Chairman, took the Chair.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/60/L.41/Rev.1)

Draft resolution A/C.3/60/L.41/Rev.1: Situation of human rights in the Democratic Republic of the Congo) (continued)

43. **The Chairman** said that the draft resolution had no programme budget implications.

44. **Mr. Thomson** (United Kingdom) speaking on behalf of the European Union and all the sponsors of the draft resolution, which had been joined by Bulgaria, Canada, Japan, Monaco and the Republic of Moldova, said that the text incorporated numerous amendments and reflected compromises by both sides. He commended the willingness of all parties to cooperate, and in particular the admirable willingness of the Democratic Republic of the Congo to set itself clear goals concerning the improvement of human rights. The resolution had the agreement and support of that country.

45. Despite the measures taken by the Transitional Government to achieve stability and peace, and the progress achieved in the political process, the ongoing human rights situation aroused grave concern, in particular abuses of human rights and international humanitarian law. Armed violence and reprisals against civilians and sexual violence against women and children, including as a weapon of war, deserved condemnation by the United Nations.

46. The draft resolution called on the transitional Government, armed groups and in particular those in the eastern part of the country, governments in the region and the international community to urgently assist the Government to promote and protect the human rights of its citizens more effectively, end impunity for past crimes, and secure the transition to a sustainable democratic future.

47. In the current year, all parties to the discussions had wished to reach a consensus on the resolution, and he was hopeful that the relatively minor issues outstanding would be resolved before the vote.

48. **The Chairman** announced that Andorra and Iceland had joined the group of sponsors.

49. **Ms. Otiti** (Uganda), speaking in explanation of vote before the voting, regretted that the draft resolution did not recognize ongoing bilateral and regional initiatives aimed at assisting the Democratic Republic of the Congo. Member States in the region were fully supporting the transition process through the Tripartite Plus One Commission, adhering fully to the Principles on Good-Neighbourly Relations and Cooperation, and collaborating constructively and engaging in high-level diplomacy. Movements of personnel, including the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) into the Democratic Republic of the Congo from Uganda had been facilitated, and the President of Uganda had advised on the need for air/radar surveillance systems to cover the entire eastern part of the Democratic Republic of the Congo.

50. The Tripartite Plus One Commission had met at the ministerial level in Uganda in October. The meeting had expressed concern at the refusal of the armed groups operating in the eastern part of the Democratic Republic of the Congo to disarm voluntarily, and called on the United Nations to identify all those groups by name and to use all necessary means to disarm all such groups and militias. It had urged the donor community to double support for security mechanisms in that country. Those issues were not addressed in the draft resolution.

51. The fourth preambular paragraph subscribed to resolutions of the General Assembly and the Commission on Human Rights which were based on flawed and unacceptable reports, while the obligations referred to in paragraph 9 (c) fell squarely on the Democratic Republic of the Congo and MONUC.

52. After lengthy negotiations, her delegation was therefore regretfully requesting separate recorded votes on the fourth preambular paragraph and paragraph 9 (c), would vote against them, and would vote against the draft resolution as a whole.

53. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the fourth preambular paragraph and paragraph 9 (c) were the linchpins of the entire draft resolution. The fourth preambular paragraph recalled previous resolutions of the Human Rights Commission and the General Assembly on the human rights situation in his country. Paragraph 9 (c) referred to the exertion of political pressure on concerned States and in his view was a reference in particular to Uganda,

which had fomented trouble in the Great Lakes region, was continuing to commit serious human rights violations in his country and was still supporting armed groups active there. While the Tripartite Plus One Commission was a significant diplomatic initiative, it should not be used by Uganda as a means of shrugging off its responsibilities in the areas referred to in the paragraphs concerned.

54. His delegation would vote to retain both paragraphs, as should all who valued peace and human rights.

55. *A recorded vote was taken on the fourth preambular paragraph.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

56. *The fourth preambular paragraph of draft resolution A/C.3/60/L.41/Rev.1 was adopted by 92 votes to 3, with 62 abstentions.*

57. *A recorded vote was taken on paragraph 9 (c).*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

Against:

Guinea-Bissau, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Colombia, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mongolia, Nepal, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen, Zimbabwe.

58. *Paragraph 9 (c) of draft resolution A/C.3/60/L.41/Rev.1 was adopted by 92 votes to 3, with 62 abstentions.*

59. **Mr. Nyamulinda** (Rwanda), regretting the absence of consensus on the draft resolution, said that his delegation, having voted against the retention of the fourth preambular paragraph and paragraph 9 (c), would also be voting against the draft resolution as a whole. It was inappropriate for the fourth preambular paragraph to refer to previous resolutions of the General Assembly, Security Council and Commission on Human Rights adopted in an environment of political motivation and conflict and based on unsatisfactory reports, instead of reflecting the changed conditions in the region. It was also inappropriate for paragraph 9 (c) to refer to countries other than the Democratic Republic of the Congo, as the human rights situation was the responsibility of that country alone, being a matter of national sovereignty.

60. Despite those objections, his delegation continued to support regional initiatives to promote peace and respect for human rights in the Great Lakes region. It appreciated the efforts of the European Union to achieve a consensus on the draft resolution, but hoped that future resolutions on the same subject would take a new direction.

61. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that his delegation, despite disagreeing with some aspects of the draft resolution, had been anxious to preserve a consensus, unlike Rwanda and Uganda, which were habitual troublemakers in the Great Lakes region.

62. The human rights situation in his country had improved in the three years since the end of the devastating war, despite the continuing threat of chaos, violence and insecurity, especially in the east of the country, where armed groups preyed on defenceless civilians and routinely kidnapped, raped and sexually exploited women and girls, causing them immense physical and psychological harm and exposing them to HIV and to rejection by their friends and family.

63. As in every post-conflict situation, the rule of law must be restored in order to break the cycle of violence, end impunity, tackle the root cause of unrest and lay the foundations of genuine democracy. Recognizing that need, the Security Council, in its resolution 1468 (2003), had emphasized that the transitional Government must restore law and order and respect for human rights, as well as ending impunity, with the assistance of MONUC. His Government realized that justice could not only put an end to violence, it could acknowledge and repair the harm done to victims of past acts and prevent such acts from being repeated in the future. The Government had prosecuted delinquent army officers and Ituri warlords who had sought support in neighbouring countries. It hoped that the ongoing negotiations of the Tripartite Plus One Commission, which included representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, would increase the pressure on the Forces démocratiques pour la libération du Rwanda (FDLR) in particular to disarm and repatriate its fighters.

64. With the progress made in efforts to reunify, bring peace to and restore the territorial integrity of the country, and to re-establish the authority of the State, his country was closer than it had ever been to pluralist and transparent elections which could bring an end to the crisis of legitimacy and to the long process of transition. Voter registration and preparations for a referendum on a post-transition constitution were proceeding. *Brassage* had been stepped up with a view to establishing national military and police forces, law-enforcement personnel had been made aware of the need to respect human rights, and efforts to protect the rights of the child had continued by focusing on halting the recruitment of, and disarming and reintegrating, child soldiers.

65. Unfortunately, the draft resolution simply echoed whole paragraphs of previous resolutions of the General Assembly and Commission on Human Rights, rather than recognizing that the situation on the ground had evolved and that restoring the rule of law in a post-conflict situation demanded a new approach. It failed to take account of the recommendations of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, particularly that of establishing a special international tribunal. His Government supported that idea: impunity would continue unless the perpetrators of crimes committed before 1 July 2002 were brought to justice, and there must be no double standard by which one group of criminals was tried while another escaped justice.

66. By definition, war denied people their human rights. Consequently, the withdrawal of occupying forces from Congolese territory had substantially reduced violations of human rights and international humanitarian law. With preparations for elections far advanced, his delegation would have expected the draft resolution to have condemned certain neighbouring countries' repeated incursions and threats of intervention, as their aim was to disrupt the polls and plunder what was left of his country's natural and other wealth. It had not done so, and even paragraph 9 (c), which encouraged international political pressure to interrupt the funding of neighbouring countries' human rights violations in the Democratic Republic of the Congo, had been under threat.

67. His delegation would vote in favour of the draft resolution. Though its letter was weak, its spirit — which was to bolster the rule of law and independent justice in his country — remained intact. His Government was determined to put in place a fair, trustworthy, moral and effective system of justice which adhered to the principles of the Charter of the United Nations and to international law, but it could not do so alone and therefore welcomed international assistance. It called on donors to turn their emergency aid programmes in the eastern part of the country into programmes of assistance to support reform of the judicial system, since — as the Secretary-General of the United Nations had pointed out — solid structures to defend human rights on the ground must be in place if impunity was to end and reconciliation and lasting peace were to be possible.

68. *A recorded vote was taken on draft resolution A/C.3/60/L.41/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia, Zimbabwe.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, China, Colombia, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mozambique, Myanmar, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Syrian Arab Republic, Tajikistan,

Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela, Yemen.

69. *Draft resolution A/C.3/60/L.41/Rev.1 was adopted by 96 votes to 2, with 66 abstentions.*

70. **Ms. Ginsburg** (United States of America), while commending the sponsors of the resolution just adopted, said that her delegation still had several concerns. It wished to make clear its understanding that paragraph 5 (c) sought to condemn only the recruitment and use of child soldiers, which was against international law. In view of its well-known misgivings regarding the International Criminal Court, and referring to paragraph 7 (e), it hoped that as much respect would be accorded to the right of countries not to become parties to the Rome Statute as to the right of countries to do so.

71. *Mr. Butagira (Uganda) resumed the Chair.*

72. **The Chairman** moved that the Committee take note of the following reports, in accordance with General Assembly decision 55/488:

On agenda item 71 (a):

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (second session) (A/60/48);

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/60/215);

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/60/220);

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/60/273);

Note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their seventeenth meeting: effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/60/278);

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/60/284);

Report of the Secretary-General on human rights and mass exoduses (A/60/325);

Report of the United Nations High Commissioner for Human Rights on equitable geographical distribution in the membership of the human rights treaty bodies: analysis of the membership of the human rights treaty bodies since 1970 (A/60/351 and Corr.1);

Report of the Human Rights Committee (A/60/40, volumes I and II);

On agenda item 71 (b):

Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/60/134);

Report of the Secretary-General on the right to development (A/60/286);

Report of the Secretary-General on human rights and unilateral coercive measures (A/60/305*);

Report of the Secretary-General on human rights and terrorism (A/60/326);

Note by the Secretary-General on human rights defenders (A/60/339 and Corr.1);

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/60/348);

Note by the Secretary-General transmitting the report of the independent expert of the Commission on Human Rights on the effect of economic reform policies and foreign debt on the full enjoyment of human rights (A/60/384);

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief (A/60/399);

On agenda item 71 (c):

Note by the Secretary-General on the situation of human rights in Myanmar (A/60/221);

Note by the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/60/271);

Report of the High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints (A/60/324);

Note by the Secretary-General on the report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (A/60/349);

Note by the Secretary-General on the situation of human rights in Burundi (A/60/354);

Note by the Secretary-General on the situation of human rights in the Sudan (A/60/356);

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/60/359);

Note by the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism (A/60/370);

On agenda item 71 (e):

Report of the United Nations High Commissioner for Human Rights (A/60/36);

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (A/60/343).

73. *There being no objection, it was so decided.*

Agenda item 116: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-first session of the General Assembly (A/C.3/60/L.72)

74. **The Chairman** invited the Committee to consider its draft programme of work for the sixty-first session of the General Assembly, and drew attention to document A/C.3/60/72. If there were no objections, he would take it that the Committee wished to adopt the draft programme of work and bring it to the attention of the General Assembly for consideration in plenary session.

75. *It was so decided.*

76. **The Chairman** said that he wished to suggest, on behalf of the Bureau of the Committee, the following draft decision:

> "In order to rationalize further its methods of work, the Third Committee will endeavour to elect the Rapporteur of its subsequent session on the basis of his/her experience, of his/her personal competence, and on the basis of a rotation among the regional groups as follows: African States, Asian States, Eastern European States, Latin American and Caribbean States and Western European and other States.
>
> "The Committee further decides to endeavour to elect a candidate nominated by the Western European and other States Group to serve as a Rapporteur of the Third Committee at the sixty-first regular session of the General Assembly".

77. He took it that the Committee wished to adopt that draft decision.

78. *It was so decided.*

Completion of the Committee's work for the main part of the sixtieth session

79. After an exchange of courtesies, in which **Mr. Wigwe** (Nigeria) spoke on behalf of the Group of African States, **Ms. Bowen** (Jamaica) on behalf of the Group of 77 and China, **Ms. Bethel** (Bahamas) on behalf of the Group of Latin American and Caribbean States, **Mr. Komar** (Indonesia) on behalf of the Group of Asian States, **Mr. Madej** (Poland) on behalf of the Group of Eastern European States and **Mr. Van Kemseke** (Belgium) on behalf of the Group of Western European and other States, and in which **Mr. Cumberbatch Miguén** (Cuba), **Mr. Thomson** (United Kingdom), **Mr. El Badri** (Egypt) and **Mr. Begg** (New Zealand) also took part, **the Chairman** declared that the Third Committee had completed its work for the main part of the sixtieth session.

The meeting rose at 6 p.m.